

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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IN RE SEALED MATTER.

Case No. 17-mc-51664

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**OPINION AND ORDER DENYING DANIEL MORENO'S MOTIONS TO  
UNSEAL SEARCH WARRANTS**

On August 30, 2018, Daniel Moreno filed four motions to unseal search warrant applications and supporting search warrant affidavits. (Dkt. #9, #10, #11, #12.) He argues that he has a right under the Fourth Amendment to inspect the warrants and that there is no good cause for continuing to seal the warrants because there is no longer an ongoing investigation related to the properties. (Dkt. #9, PageID 180–81.)

In response, the Government argues that Mr. Moreno lacks standing to unseal the warrants and that unsealing the warrants would jeopardize an ongoing investigation in the Eastern District of Michigan by the DEA and IRS and may compromise officer safety. (Dkt. # 27, PageID 247, 250–52.) The Government further asserts that redaction of the warrants is not feasible given the specificity of the information included in the warrant affidavits, particularly with respect to confidential sources. (*Id.* at 252.)

Generally, the Fourth Amendment authorizes a person whose property has been seized pursuant to a search warrant to inspect and copy the affidavit upon which the warrant was issued. *In re Search Warrants Issued August 29, 1994*, 889 F. Supp. 296 (S.D. Ohio 1995). However, inspection is not an absolute right and may be restricted

under compelling circumstances. *See, e.g., In the Matter of EyeCare Physicians of America*, 100 F.3d 514 (7th Cir. 1996). Such circumstances may include the need to preserve the integrity of an ongoing investigation and the identities of informants. *In re Search Warrant for 2934 Anderson Morris Rd.*, 48 F. Supp. 2d 1082, 1082 (N.D. Ohio 1999). The court is persuaded the Government's ongoing investigation in the Eastern District of Michigan is a compelling justification for keeping the search warrants sealed at this time. Accordingly,

IT IS ORDERED that Daniel Moreno's Motions to Unseal Search Warrants (Dkt. #9, 10, 11, 12) are DENIED WITHOUT PREJUDICE.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 2, 2018, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(810) 292-6522

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